

**BATTLE CREEK CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, May 23, 2012**

**1. Call to Order:**

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

**2. Attendance:**

**Members Present:**

Susan Baldwin (Mayor)	Jan Frantz	Chip Spranger
Steve Barker	John Godfrey	John Stetler
Dan Buscher	Preston Hicks	Dave Walters

**Members Excused:** None

**Staff Present:** Christine Hilton, Planning Supervisor  
Eileen Wicklund, City Attorney  
Glenn Perian, Senior Planner  
Leona Parrish, Administrative Assistant, Planning Dept.

**3. Additions or Deletions to the Agenda:** None

**4. Approval of Minutes:** Meeting Minutes of April 25, 2012.

**MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER BARKER, TO APPROVE THE PLANNING COMMISSION REGULAR MEETING MINUTES FOR APRIL 25, 2012 AS PRESENTED.**

**VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

**5. Correspondence:** (Received today on 5/23/12) Document from Mr. David Nielsen NPC#4 Member noting NPC #4 concerns; also The Haven provided 7 letters of support. (see attached)

**6. Public Hearings and Deliberation/Recommendations:**

- A. Special Use Permit #S-05-12:** Petition from Haven of Rest Ministries, Ms. Elaine Hunsicker, Exec. Director, 11 Green St., Battle Creek, MI 49014. Requesting a Special Use permit for use as a Residential Facility for a Women's Life Recovery Program as permitted under the Planning and Zoning Code, Chapter 1290, Sec. 1290.01(b)(7), for property located at 652 N.E. Capital Avenue.

Ms. Christine Hilton, Planning Supervisor, stated the property located at 652 Capital Avenue, N.E. was subject to a special use permit request late last year and that it is her understanding that the Area Agency on Aging for an Adult Foster Care Facility request has been abandoned in light of this new request. Ms. Hilton stated the structure had been built and in use at such time as the Emily Andrus Home for Women that closed in the fall of 2010, that any non-conforming use would have expired at that time of the subsequent special use permit applications. Stated this most recent request is different in the type of services being provided and lack of State Licensing it requires a new special use permit request; that the Haven is requesting to use it for transitional housing for 20 heads of household and their children and provide services as outlined in the staff

report and application. Stated staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete and finds the request consistent with the general standards listed in Chapter 1290.04 and recommends the Planning Commission recommend to the City Commission approval with conditions outlined in the staff report; specifically three (3) that are pertinent to this issue: That services provided on site should be only for those actually residing in the facility; that any parking lot expansion should be contiguous with existing parking area and that a site plan be required; and the approval of a SUP should be based on the submitted application including the nature of the facility described in the application and staff report with the maximum capacity of 20 heads of household and their children or a capacity established by building and fire codes, whichever is less. Ms. Hilton stated that Ms. Eileen Wicklund, City Attorney is present today to outline the Fair Housing issues that they need to be relevant in making a decision.

**Commissioner Hicks Opened the Public Hearing:**

Ms. Eileen Wicklund, City Attorney, noted Local Ordinance and State Statutes laws that are applicable in these situations; with one being the Federal Fair Housing Act, which apply to persons who are not in current active addictions, but are in treatment for their addiction and this type of housing plan would be subject to and need to be careful of the kinds of issues or concerns, and base a decision with those statutes to be kept in mind. Stated the number of person in the structure would be dictated by the Housing Code rather than what someone considers to be a family. Stated the American Disability Act (ADA) and Federal Rehabilitation Act stating they are not to be discriminated against in regards to obtaining housing and need to be cautious in making a decision regarding factors that are related totally to what persons perceive to be the problems with a disability.

Ms. Elaine Hunsicker, Exec. Director, Haven of Rest Ministries, 10262 F Drive S., Ceresco, MI came forward to speak regarding their application for a special use permit. Stated this would be a residential substance abuse treatment facility, in which it would allow mothers with substance abuse to get treatment and keep their children with them and not have them go into foster homes; which is a big issue and stops persons from seeking help for fear of losing their family. Ms. Hunsicker wanted to address some concerns of the neighborhood and have had a lot of support as well from the surrounding community; stated the residents do not roam the neighborhood and not allowed to come and go freely as they please at any time and not allowed to have visitors constantly coming and going. Said there has not been an increase in the crime rate in their areas and that they have several houses throughout the community that is used for low income housing for residents that meet the criteria who are pursuing further education, employment, etc. and offer these homes at a discount rate so they can afford safe discount housing with no incidence of crime in those areas. Said the childcare has been an issue of concern for some of the residents and have looked at the requirements for State Licensing for Childcare Centers and are already doing that for their Gap Program, which is an after school and weekend program for homeless children that focuses on academics, activities and socialization and would be very simple for them to be in compliance and is a timing issue regarding getting inspected etc., and understand if the State says no, not at this time and seeing no problem in being able to be establish the requirements needed by the State in a timely manner and very willing to be compliant with any city codes. Said they want to be a very good neighbor and also noted that they take good care of their property and grounds.

Ms. Jean Booher, 462 Tellus Lane, stated she is a volunteer and Board Member Administrator for the past 22 years with Emily Andrus Home and during this time had worked with many dedicated

board members with a current board of six members who have longevity on the board totaling 75 years. Stated they opened their doors in 1924 for a group of women and has taken many volunteer board members to maintain the unique building that it is today. Said many people in the community call it the anchor of the north side and the integrity and foresight of the board has been outstanding and in November, 2010 they were faced with the painful decision to suspend operations; for the past month have been working diligently to find a purpose for their building that fits their mission and also meet a need within the community. Stated for this reason their board supports the Haven and their endeavor of a Woman's Life Recovery Program; noted she had attended the NPC meetings and listened to their concerns. 1) Is vacant buildings on the Northside and their board feel it would rather have a building in use than to sit vacant and the Haven have a 56 year record of operating successful programs in our community. 2) Their board has maintained this building since suspending operations and cannot continue for any length of time; and is it not better to have the building in use than to have boarded up and left to the city for delinquent taxes. 3) Their board had the foresight to have surveillance cameras for security put inside and outside of the building with security alarms on windows and doors. Stated that some NPC have expressed they do not know how the Haven operates and know that individuals have been invited to visit the Haven and to her knowledge no one has taken them up on their offer. Their board has toured the Haven and has been working with their board to ensure it would meet the needs of our community and a compliment to the neighborhood.

Mr. Jim Garman stated he lives Evans St. across the street from the property in question and said he had concerns that it was possible that in the future they would accept women and children from other Counties; if women do come from other counties and do not successfully complete this program are they going to be out into the local streets and add to the already congested community of drugs and prostitution along Capital Avenue instead of returning to the Counties where they came from and become pray for the already in place drug rings that are existing in his neighborhood. Mr. Garman said it was mentioned that 20 households with an average of 2-3 children "average", there could be 4-5 children; he personally know that the apartments cannot hold that many without having a hazard happening and the kitchen is not adequately setup to feed that many mouths. Said they do not have a license for childcare as they do not have the number of children that would live there and that their ages would be from infants to teens and they would be living with their mothers that are not responsible for themselves and sounds like a college dorm room with all types of thing that can happen such as arguments, fights and vandalism. Asked what they would do when away from the building unsupervised. Said they were told the property grounds would relatively remain the same, his vocabulary "relatively" has a bigger meaning than just staying the same. Stated it was asked where is the budget available for running the program and was about \$350,000 per year and look at grants to help fund, and at the time only have half and plan to open the doors in September and feels that more persons other than the 300 ft. radius should be noticed.

Ms. Lynda Markham, 2990 Sylvan Drive, Hickory Corners, Board member for Emily Andrus for 12 years; stated the board understands that no one likes change as it is difficult, but certain circumstances make change unavoidable and their board was faced with a change in the year 2010 when their occupancy fell from 100% to 59% and their waiting list when from 30 to 0 in less than nine months. Said a professional housing study confirmed that the demand for congregate living in our community had evaporated and they hear remarks that this neighborhood is saturated with group homes and that Emily Andrus was established as a home for women in 1923 which was probably the first group home in the neighborhood, although probably not called a group home at

that time and that the building had been utilized for a group of women for all those years with two additions; one in 1960 and one in 1994 which had extended this home so it could provide larger groups of homes for women and both additions were done with the blessings of our city. Noted it would take extensive costly renovations to alter this use and the Emily Andrus Home Association has operated this home with the utmost of integrity and now should not be penalized for the number of group homes that have been allowed in the north-side and that their board has dedicated many hours on a dual purpose and try to preserve this historic landmark and meet the needs of the community and their board believes that the leadership experience of the Haven and the demand for a Woman's Live Recovery Program in our community would be met and this project gives women a second chance and can be a win, win solution for all and that the Emily Andrus Home can remain what their board president calls "The Hidden Jewel on Northeast Capital".

Mr. David Nielsen, 44 Latta Street, NPC #4 member stated he had concerns from their NPC members (as noted on document submitted). Stated he had four areas of concern: 1) Number of unanswered questions that have been talked about by a previous speaker; 2) The funding was not sustainable. 3) Childcare licensing that can take up to 18 to 24 months to go through the process of obtaining. 4) Capacity and staffing was a concern with having staff 3 to 4 persons during the daytime and 2 to 3 persons at night not being adequate for the number of persons living there; if the rooms would accommodate families when they were designed for single residents. Stated the facility use is a high risk population in an already high risk population and use as a group home; referred to the graph submitted noting the number of group homes in the NPC#4 area that are already the greatest in number.

Mr. Mark Jones, 46 East Avenue, N., NPC #4 Chairperson, stated their official report for their NPC was 5-3 against recommending. Noted this was a drug treatment facility and is not housing; in regards to Fair Housing, and being instructed that you cannot consider drug rehabilitation because this is disability and housing and wanted to remind the commission that this is not housing, it is a treatment center and a business and not where these ladies live as State law show they still live at their previous resident and that their children must be bussed back to their home school district and this is not housing it is a business and should be treated as a business not as my neighbor has a problem. Stated they need to talk about the negatives; their statistics show a 20 % failure rate at 22 women per 6 months means that 4-5 women will fail and go into their neighborhood and seek drugs. Said they are desperately trying to change their neighborhood and do not oppose change, but in a positive way.

Mr. Daniel Jones, 128 Minges Forest Rd., Fund Development Professional for Haven, stated they would like to address issues stated by NPC #4; said they have went into the neighborhood and distributed flyers and held a meeting to share their plans, statistics, and to address their concerns. Said they attended the NPC #4 meeting and also went to coffee with NPC Chairperson, Mark Jones. Mr. Daniel Jones noted that regarding the participants that have failed; it has been their experience at their Life Recovery Program for the last 13 years that 700 men have been through their program that when any fail they leave they do not hang around a rehabilitation facility that they just left, that most generally they want to get far away. Noted regarding crime, that none of their Life Recovery Program people are out there causing a crime wave after leaving and that speculation of what the women that leave would do or were they would go is unfounded and unjust and smears the Haven somewhat, that looking at the statistics is more important. Mr. Jones noted that in feeding the persons at the Emily Andrus location; the kitchen more modern,

improved and larger than the Haven of Rest kitchen where they serve 57 thousand meals in one year and regarding the childcare, they want to get their State license as it is best practice the same as they have seen in other facilities that they have visited in Toledo, Port Huron, etc. Mr. Jones noted regarding funding they will go through a process and approach the local foundations and in the longer term once the local foundations help them to get started they would like to approach government funding sources that have a lot of money for residential beds and treatment for women, which is a long term process that takes over 18 – 24 months of actual operations and document of successes before giving money; this is the same process they have went through for the Men's Life Recovery Program with a grant from the government for over 10 years which is six figures and well into the money they are talking about and will not be a warehouse.

Mr. David Nielsen came forward and asked for additional time to speak to address their concerns.

*Chairperson, Commissioner Hicks asked commissioners for a vote to allow for an additional 3 minutes for persons who have already spoken.*

**VOTE TAKEN: (EIGHT (8) IN FAVOR; ONE (1) OPPOSED; MOTION CARRIED.**

Mr. Nielsen, 44 Latta St., stated their other concerns was the selection process as it was described to their NPC as a three step process and that the dream of recreating the Men's Life Recovery Program; of a very timely drive-by of the facility and linking those two together to create a design to bring those two ideas together. However no other facility options were considered and the plan was based solely on the availability of this facility formulated he believes without the due diligence needed to ensure the viability of the proposed program at this facility in a timely manner. Said another concern was the basis of determination and feels this application fails to meet the necessary SUP criteria in four areas: item (#2) that it is a significant change in the essential character and would affect the neighborhood; item (#3) they believe it is disturbing the neighborhood uses; item (#4) they believe it would have an adverse effect on properties in the immediate vicinity; and item (#6) the feel it is detrimental to the economic welfare of the neighborhood and community. Said this is an extremely noble and worthwhile effort they want to undertake and do not oppose this concept, however they believe it needs two additional pieces 1) a more complete operational blue-print before being approved and also needs to take a hard look at other suitable locations within the Battle Creek community; and respectfully request that this Special Use Permit be denied or postponed until a more definitive plan of action has been submitted by the Haven or a more suitable location has been identified.

Mr. Mark Jones, NPC #4 Chairperson, came forward to speak again as a person not on behalf of the NPC; stating that the Haven had reached out to their neighborhood and he had met with them several times, but on a personal basis that their plan has not changed since their first meeting last January and that he had outlined their concerns, as he understand his residents back in January and not a single one of their concerns have been addressed. Stated on a personal level he thinks as they have said they are on a mission from God and they think they have the moral standard and think they are above right and that their concerns do not matter, because they have such a good cause, their concerns do not matter and have operated in this manner up to and including disrupting their meetings. Said he loved the Haven and would not normally consider them a bad neighbor, but his experience in this process has been that while they have been kind of respectful they also have not wanted to change and not looked at any other options or their concerns. Stated he asked the Haven in January about their number of personnel and have not changed that number

or anything; asked about childcare and this would fail if they do not get a childcare license, but have not started the application and leads him to believe that in the future they would not change anything and that once it has been voted yes, their concerns will not be addressed as their mission will morally outweigh any concerns they might have, which causes him concern because the safety of their children and safety of their ranks as morally high as the treatment of them.

Mr. Al Bobrofski, 639 Eiffel Drive, former Mayor and former Planning Commissioner came forward to speak. Stated he understands the difficult decision to be made by the Planning Commission and also the concerns of NPC #4, and that they need to look at some of the alternatives in this particular situation as there is deed restrictions for absentee owners that enter into the picture and that the type of facility that sits there needs to be addressed being a vacant building will not help the cities vision being on the main entrance to the downtown. Said they should consider the alternative and different uses for this property and may put a negative image on only the neighborhood but also the city as a whole.

Ms. Jean Booher, 462 Tullis Lane, wanted to say in defense of their board for Emily Andrus Home that they have worked for two years to find suitable situation for this to be and have come very close to making a decision of having to board up this structure and there has to be a use for this building in our community and with their board having a total of 75 years of experience running this non-profit feel this is the best solution.

Mr. Daniel Jones, Haven, asked if he could address Mr. Nielsen's statement regarding the concerns and the negative criteria items (#2, 3, 4, & 6) noted on the document submitted today. Stated the Haven's stance is that they will bring a significant change in the essential character of this effected neighborhood in a positive light and become a beacon in the darkness for persons in that neighborhood that Mr. Mark Jones referred to as the prey for the predators and will be an opportunity for those persons to find healing and get themselves into a positive lifestyle and would not be disturbing to neighborhood uses and not have an adverse effect on property in the immediate vicinity, on the contrary would see a positive effect as the residents much like the Men's Life Recovery Residents go out into our community down by the Haven and clean-up and build-up that neighborhood in addition to working with the police on keeping it clean and are their eyes 24-hours a day in that area. Said finally item #6 saying it would be detrimental to the economic welfare of the neighborhood; he disagree with this completely as the Haven is coming into there with a growth model with more than 11 to 12 to 13 staff at any one time in addition to volunteers and will be a group that will become very vital to this corridor and be a positive influence on an economic basis to that corridor and they want to be good neighbors and be responsive to the NPC and have dialogue.

*With no others wishing to speak, Commissioner Hicks closed the public hearing.*

**MOTION BY COMMISSIONER FRANTZ, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE SPECIAL USE PERMIT FOR USE AS A COMMUNITY RESIDENTIAL FACILITY/GROUP HOME FOR PROPERTY LOCATED AT 652 CAPITAL AVENUE, N.E., AS IT MEETS THE STANDARDS IN CHAPTER 1290.01; TO INCLUDE STAFF RECOMMENDATIONS AND CONDITIONS OUTLINED IN THE STAFF REPORT.**

**Discussion:**

Commissioner Frantz stated she had four comments and a question. Stated that the Neighborhood Planning Council had prepared a very detailed document and the basis for determination is what she would like to address regarding her comments and this is critical to their purview and relative to the basis of determination: Item (# 2) suggest a significant change to the essential character of the neighborhood and think this document itself indicates to the contrary that NPC #4 does have an abundance of Foster Care Facilities; but as Ms. Booher suggested this should not be a penalty for the project that they are looking at right now, that the neighborhood does have that essential character in some portions of it. Noted item (#3) refers to item (b) in their basis for determination, uses the word disturbing to our neighborhood uses and think it is relevant to point out that the word "hazardous" is also included with the word disturbing in our basis of determination and the word "disturbing" should be taken more into context of "hazardous" than is presented here. Noted item (#4) an adverse effect on property to the immediate vicinity; they have heard evidence to the contrary and were hearing both sides of that issue. Finally item (#6) detrimental to the economic welfare of the community; said the economic welfare is considered what public costs might be associated with a project and according to the comments from Officer Joe Wilder as well as Mr. Daniel Jones this is not going to be the case. Commissioner Frantz asked Ms. Elaine Hunsicker regarding her comment made earlier of "homeless children"; asked where the women and children are living now that will be moving into this facility. Ms. Hunsicker stated this is not a shelter for homeless necessarily, some may be homeless and living in their car or with friends and relatives, however some of these families are already in a home and will be moving from that home into this facility so they have the supervision and the access to the program itself that they need. Said the homeless children that she spoke of earlier are from their Emergency Family Shelter and some of the women might be coming from there, because they do refer to the other treatment facilities at this time and the problem is they cannot find facilities that take women with children within our community. Noted their support system is here in the community that wants to see them do better and they do not have anything to offer, so they may not necessarily be homeless and might be staying with friends and family, but are struggling with addiction.

Commissioner Frantz asked if it was possible that some of the children living with their mothers are living in a homeless environment. Ms. Hunsicker stated no, if they are living with their mother they are not homeless; the program she spoke of "In As Much House" which is their Family Emergency Shelter, which has a program for the children that are staying in the shelter that provides after school academic tutoring, activities, socialization skills, and support groups, etc.

Commissioner Godfrey asked the city attorney about rebuttal regarding the Federal Fair Housing Act and associated limitations, and if Ms. Wicklund could comment regarding that rebuttal. Ms. Eileen Wicklund stated that one of the arguments made was that this was not housing, that it was a business; it is housing and that the courts are clear on assisted living and regarding housing for recovering addicts is to be considered housing and not looked upon or kept out of residential neighborhoods as a business. States that argument does not hold up in terms of the Federal Fair Housing Act. Noted that a number of the arguments made were directly related to the fact that these individuals are drug addicts or former drug addicts and would be the type of argument that would run afoul with the Federal Fair Housing Act as you would be making a decision based upon what is considered to be a handicap under the American Disabilities Act; these are recovering addicts not active drug addicts or alcoholics and are considered to fall within the American with Disabilities Act and the Rehabilitation Act, therefore are protected by the Federal Fair Housing Act and cannot make decisions to preclude somebody from residential housing based on the fact they have this disability. Stated that Ms. Hilton has taken the time to review police reports, speak with police

officers and get statistics from the city indicating there is not a higher incident of crime around this type of housing.

Mayor Baldwin asked if they can place any conditions, such as fencing for the children as she believes if you receive a license it includes some sort of fencing. Ms. Wicklund stated she did not believe that fencing would be related to something that you are trying to preclude based on handicap and would be related to the type of activity, but there may be some planning or zoning issues. Ms. Hilton stated that the fencing would already be a requirement for a play area for children if they are State licensed. Mayor Baldwin asked if it can be made as a condition in case they are not licensed through the state. Ms. Hilton stated, yes they can include a condition which can be tied back to the basis of determination to make more compatible with the neighborhood, etc.

Commissioner Frantz asked to amend her motion to include that they operate the same as State Law would require for daycare licensing.

**AMENDED MOTION BY COMMISSIONER GODFREY, SUPPORTED BY MAYOR BALDWIN TO APPROVE THE SPECIAL USE PERMIT FOR USE AS A COMMUNITY RESIDENTIAL FACILITY/GROUP HOME TO INCLUDE THAT PARTICULARLY TO FENCING THAT IT OPERATE AS STATE LAW WOULD REQUIRE FOR DAYCARE LICENSED FACILITY IN REGARDS FOR PROPERTY LOCATED AT 652 CAPITAL AVENUE, N.E., AS IT MEETS THE STANDARDS IN CHAPTER 1290.01; TO INCLUDE STAFF RECOMMENDATIONS AND CONDITIONS OUTLINED IN THE STAFF REPORT.**

**VOTE ON AMENDED MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

Commissioner Godfrey stated that NPC#4 Chairperson made several suppositions that are fairly unsubstantiated by fact as to the lingering criminal element of the population. Stated they do have before them on page 5 of 8 the facts from Officer Joe Wilder stated there was not an issue in and around the Haven and in considering fact as to opposed to opinion it gives them a stronger idea of what is happening and while the chair of NPC #4 said they are not opposed to this type of development within their NPC; he will remind the Planning Commission that under a different administration at NPC #4 they argued violently against the Salvation Army occupying McKinley Elementary School as it was going to destroy the neighborhood; which was overturned and they moved into McKinley School and have been an excellent neighbor within the neighborhood and those fears that were stated have not come to fruition and he is concerned that some of the elements coming before them are purely opinions and not substantiated fact.

Commissioner Daniel Buscher asked Mr. Daniel Jones if he would come forward; stated that item #4 indicates the opposition that the effect on the property in the immediate vicinity would be an adverse one; would it be fair to say you disagree with that; Mr. Jones stated yes, he would disagree as he thinks they would be very positive to the neighborhood and noted they have gone to facilities in Toledo and Port Huron that have women with children in residence and have learned from them some of their best practices, which includes engaging in the neighborhoods that they are in and sending out groups on clean-up days or going out in conjunction with other groups such as the police department or an neighborhood environmental group and actively cleaning the neighborhoods which has a positive effect on also the children.



Commissioner Buscher asked how many programs they had researched for this type of program including the men's program they currently have. Mr. Daniel Jones stated they have their own history with the Men's Life Recovery Program that goes back 13 years with over 700 men go through that program and had researched a Project in Toledo Ohio and spoke with them and visited their site and spent time with them and learned; went to Port Huron to the Clearview Facility which is more of a medical rehab facility and learned their best practices in how they operate. Noted they had also talked to Summit Pointe to find out where they are sending their current clients out of the city and was provided a basis of some of the mental health agencies they can access.

Commissioner Buscher asked if within the 13 years had the men's program shown a significant increase in crime as a result of that particular program within their locations. Mr. Jones stated no, definitely not around the Haven. Commissioner Buscher asked if it were fair to say that the dynamics between a men's program and a women's program that also houses children would be substantially different in nature. Mr. Jones stated that with the children there it would be a different dynamic. Commissioner Buscher asked if they would expect less crime if any to occur with the result or placement of children being there. Mr. Jones stated he would expect very little around that neighborhood as the children that are there and the parents that are looking for help are not the problem and that the current element that may be around there would be very interested in leaving the area as they know they are being watched.

Mayor Baldwin asked regarding parking and if it had only 19 spaces and is it sufficient, in regards to zoning isn't 2 spaces per apartment required. Ms. Hilton stated they are not considered apartments or dwelling units, they are individual bedrooms and is based on the overall capacity of the property.

Commissioner Frantz stated in her observance there is a incredible gender and equality going on if there is a program for men in Battle Creek but not for women especially women with children; asked if Battle Creek is on a leading edge of addressing that gender inequity or because they have visited other sites does it seem that many cities our size have already address it and we are behind. Ms. Hunsicker stated that was an excellent observation, there is hardly anything out there and this is the reason they had to go so far away was because they were the nearest programs in Port Huron and Ohio. Battle Creek would be on the cutting edge and be a leader in providing this service for our area.

Commissioner Buscher noted that he is aware that the women's drug court started one or two years ahead of the men's drug court program, why has it taken this long, more than 13 years difference between the men's and women's when the women's had a two year head start. Ms. Hunsicker stated the span in time is due to funding issues, as they have wanted to do this for a long, long time.

**VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

7. **Old Business:**

Commissioner Spranger asked for an update regarding the Columbia Avenue Saw Shack property. Ms. Hilton stated the City of Battle Creek Inspections Department allowed an extension until May 30, 2012 to the property owner.

Ms. Hilton provided an update regarding the Overlay Ordinance for the Wellhead that was on last month's meeting agenda; stated there will not be an overlay ordinance and would only have a General Ordinance done by the Engineering Department; stated they would need a site plan review to regulate the chemicals that would be used. Ms. Eileen Wicklund, City Attorney stated the city would not regulate the land use only the chemical being used; that it is not a zoning issue for the use of the land and that Department of Public Works will regulate.

Commissioner Godfrey asked if anyone looked into the toxic smoke regulations that was mentioned during last month's meeting and feel it should be addressed by local people. Ms. Wicklund stated those issues are addressed by the State and Federal and not at our level.

Commissioner Spranger stated he has not seen the smoke in our area. Ms. Hilton stated the city has received some concerns; but the city is not able to regulate only the DEQ; which have received the report about the smoke.

Commissioner Spranger asked what the status was for the Medical Marijuana. Ms. Wicklund stated they have sent it to the City Commission and will not go before the Planning Commission. Stated the case level has come down and that dispensary's are unlawful in the State of Michigan and that the city has until approximately the end of June for different options and plan to hold a workshop with the City Commission and Planning Commission to finalize the ordinance

Commissioner Hicks asked what the timeframe was for Government persons. Ms. Wicklund stated the moratorium ends in June and that court cases have the same effect.

8. **New Business:** None
9. **Comments by the Public:** None
10. **Comments by the Staff and Commission Members:**  
Commissioner Buscher stated Commissioner Godfrey had good comments.
11. **Adjournment:** The meeting was adjourned at 5:20 P.M.

Respectfully Submitted,



Christine M. Hilton, AICP  
Executive Secretary, Planning Commission



# Thirty-Seventh Judicial Circuit of Michigan

## Calhoun County

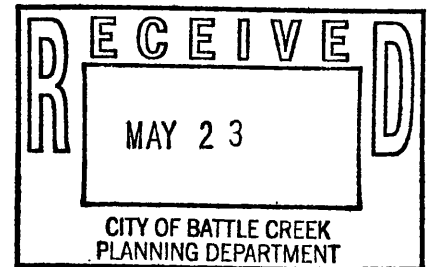
*Allen L. Garbrecht, Chief Judge*  
*James C. Kingsley*  
*Stephen B. Miller*  
*Conrad J. Sindt*  
*Gary K. Reed, by assignment*  
*Circuit Judges*

*Office of Drug Treatment Court*  
*161 E. Michigan Ave., 3rd Floor*  
*Battle Creek, MI 49014-4066*  
*269-969-6796*

*Jeffrey S. Albaugh*  
*Circuit Court Administrator*  
*Michael Boltz*  
*Family Division Administrator*

April 12, 2012

Community Foundation Alliance of Calhoun County  
104 Hillsdale Street  
P.O. Box 101  
Homer, MI 49245



Dear Sir/Ma'am:

The Calhoun County Drug Treatment Court program often has a need to place participants in long term residential treatment. The facilities we work with however are not able to accommodate children of program participants. While it means separating parent from child for a term, it is sometimes a necessary course of action to place a mother in a long term residential facility to provide the best opportunity for keeping mother and child a healthy family unit in the long run.

We believe that the Life Recovery Program for Women will offer us a much needed option in meeting the need for long term residential treatment for moms in our program. We believe that not only will this new program provide the parent with the necessary tools to live sober, it will provide them with critical parenting skills. Recovery is a life long process, and learning how to be a parent while staying on the journey of recovery is critical for the health of both parent and child/children.

The Women's Calhoun County Drug Treatment Court gladly supports this new facility. In fact, we have women in mind right now that we believe could greatly benefit from what the program will have to offer.

Sincerely,



William Essex  
Program Coordinator  
Calhoun County Drug Treatment Court  
269.969.6796



**CityLinC**  
70 Calhoun St.  
Battle Creek, MI 49017

Phone: (269) 969-9181  
Fax: (269) 969-9465

Website: [www.CityLinC.org](http://www.CityLinC.org)  
E-mail: [Info@CityLinC.org](mailto:Info@CityLinC.org)

Thursday, April 12, 2012

Dear Elaine,

When we heard that The Haven was planning to offer a residence program for addicted mothers and their children, our hearts rejoiced.

So many mothers do not seek the services and resources they need for fear of losing custody of their children.

There is a great need in our community for a program just like you are envisioning. The Haven has the experience and ability to provide such a service. Your vision would reduce the number of children that are separated from their families while the parents work on significant life changing goals.

We would be honored to assist and support you with any of the services that CityLinC provides.

Please count us as one of your partners.

Sincerely,

Dale Boyer  
Executive Director, CityLinC

May 21, 2012

To Whom It May Concern:

As a lifetime resident of the north side of Battle Creek living in the McKinely/Verona/Fremont area most of my life I believe my comments on the future use of the Emily Andrus Home are relevant.

Given the many years of hard work, study and legal reviews, the board of directors of this fine building had to make a difficult decision to close it down. The excellence of care of this building is unmatched on the north side of Battle Creek. Exterior and interior conditions are way above the average.

In real estate there is a term used as "Highest and Best Use". That said it is in my opinion that this building should continue serving women in our community for what ever their needs are that fit its present structure. A transitional home would not be adverse to the use of this building.

If safety issues and security issues are properly addressed, I can see no reason that the proposed use is detrimental to the area or the building itself.

Mentioned before was the hard work, dedication and plain love by the existing board of directors is to be admired. They are eager to see this building being used in a positive way to benefit the community and the memory of Emily Andrus.

Sincerely,

Bruce Phillips, REALTOR

To Whom It May Concern:

This is a letter in support of approval for the Special Use Permit #S-05-12 requested by The Haven for a Women's Life Recovery Program at 652 Capital Ave. NE., formerly operated as the Emily Andrus Home for senior ladies.

My back property line borders on the back property line of 652 Capital NE. I am in support of this request as the Haven has a very good reputation for success in their other programs. They also maintain their other properties very well and have promised to do the same with this property. Naturally, that is very important to our whole neighborhood.

They have stated this program will be carefully monitored with members of their staff on-site at all times and the building is equipped with security devices so safety of our neighborhood should not be an issue.

The Haven and their Board are people of high integrity and have stated their intent to be good neighbors and be an asset to our community.

Therefore, I am in support of approval of this permit and respectfully request that it be granted. Thank you for your consideration.

Marilyn Troxel  
36 Evans St.  
Battle Creek, MI  
269 962-2830



May 19, 2012

To Whom It May Concern:

The Verona neighborhood surrounding the Emily Andrus home has long been a beautiful area to live. I have sold several properties in the area, and have always been proud to represent them as attractive historic options.

Likewise, The Haven and The Life Recovery Program have been strong property owners, taking excellent care of their properties and running tightly managed programs.

I am happy to hear that management of the Emily Andrus Home has the opportunity to be taken over by such long-standing and capable stewards. The surrounding property values will be preserved with the continued use and maintenance of this beautiful building. And the alternative, reversion to the City, would certainly be detrimental.

Please contact me if you have questions.

Sincerely,



Talia Champlin

RE/MAX Perrett Assoc., Inc.

**RE/MAX** Perrett Associates, Inc

317 E Columbia Ave  
Battle Creek, MI 49015

Office: 269-968-6101

Fax: 269-968-3930

Website: [buybattlecreek.com](http://buybattlecreek.com)



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Larry Robinson  
630 Capital Ave NE  
Battle Creek MI 49017  
Office: (269) 969-9897  
Fax: (269) 969-9809  
Email: lrobin@fbinsmi.com

May 22, 2012

To Whom It May Concern:

I own a business near to the Emily Andrus Home. I think it is good for the neighborhood to have as many buildings occupied as possible and, since this structure has a limited use potential, it would be beneficial to the neighborhood, as well as the community, to have this outreach program.

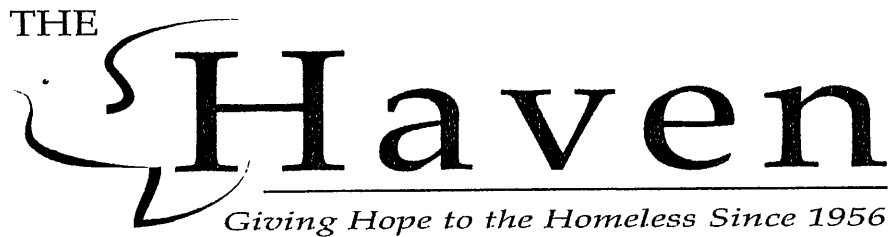
On a personal note, I am a member of the Marshall Methodist Church and we support the Haven and it's work.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Larry Robinson', written over a horizontal line.

Larry Robinson





The Haven of Rest is planning to enter the Capital Avenue NE neighborhood with its newest ministry, a Women's Life Recovery Program. This ministry will address the needs of women with children in our community who face substance abuse issues.

As planned, this ministry will take place in the Emily Andrus Home on Capital Avenue NE, a facility that is well-located and very usable for this program.

The Haven of Rest is a faith-based mission serving Battle Creek's homeless. We want to come to the neighborhood as good neighbors, and toward that end we are hosting an informational meeting to talk about this ministry with the community.

*This meeting will take place Tuesday, April 24th, 2012  
At 5:30 to 7:00 PM, at the Women's League Building,  
286 Capital Avenue, NE, Battle Creek.*

We would like to invite you to come and hear the Haven's plans for this ministry.

Light refreshments will be served, and we are not able to provide child care at this event, so please, no young children.

*Visit us on the web at [www.thehavenbc.org](http://www.thehavenbc.org)  
Or contact us by phone at 269-965-1148*

## LRP Daily Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8:00	8:00 AM to 8:30 AM Everyday Blessings	8:00 AM to 8:30 AM Everyday Blessings	8:00 AM to 8:30 AM Everyday Blessings	8:00 AM to 8:30 AM Everyday Blessings	8:00 AM to 8:30 AM Everyday Blessings	8:00 AM to 8:30 AM Everyday Blessings	8:00 AM to 8:30 AM Everyday Blessings
9:00	8:30 AM to 9:00 AM Breakfast	8:30 AM to 9:00 AM Breakfast	8:30 AM to 9:00 AM Breakfast	8:30 AM to 9:00 AM Breakfast	8:30 AM to 9:00 AM Breakfast	8:30 AM to 9:00 AM Breakfast	8:30 AM to 9:00 AM Breakfast
10:00	9:00 AM to 10:00 AM Focus / Solutions Group	9:00 to 10:00 AM Self Esteem Group	9:00 to 10:00 AM Self Esteem Group	9:00 to 10:00 AM Focus / Solutions Group	9:00 to 10:00 AM Purpose Driven Life	9:30 to 12:00 PM Church Service or Growth and Healing Group	9:30 to 12:00 PM Church Service or Growth and Healing Group
11:00	10:00 AM to 10:15 Break	10:00 AM to 10:15 Break	10:00 AM to 10:15 Break	10:00 AM to 10:15 Break	10:00 AM to 10:15 Break	10:00 AM to 11:30 AM Self Awareness Group	10:00 AM to 11:30 AM Self Awareness Group
12:00	10:15 AM to 11:00 AM Trauma Group	10:15 AM to 11:00 AM Guilt, Shame and Loss Group	10:15 AM to 12:15 PM Growth / Healing Study	10:15 AM to 11:00 AM Self Evaluation and Loss Group	10:15 AM to 12:15 PM Success Group		
	11:15 AM to 12:15 PM Discussion Group	11:15 AM to 12:15 PM Discussion Group		11:00 AM - 12:15 PM Spirituality Discussion			
1:00	12:30 PM to 1:15 PM Lunch	12:30 PM to 1:15 PM Lunch	12:30 PM to 1:15 PM Lunch	12:30 PM to 1:15 PM Lunch	12:30 PM to 1:15 PM Lunch	12:30 PM to 1:15 PM Lunch	12:30 PM to 1:15 PM Lunch
2:00	1:15 PM to 3:30 PM YMCA	1:15 PM to 2:15 PM Budget Group	1:15 PM to 3:30 PM YMCA	1:15 PM to 2:30 PM Coping Skills or Employment Classes	1:15 PM to 5:30 PM Clean Up Haven Property Relational Time	1:15 PM to 2:15 PM Relapse Prevention or Discussion Group	1:30 PM to 2:30 PM Solutions Group
3:00	2:15 PM to 3:15 PM Solutions Group / House Meeting			2:45 PM to 3:30 PM Journal Study			2:30 to 5:30 PM Relational Time
4:00	3:30 PM to 5:00 PM Study Group	3:30 PM to 5:00 PM Homework	3:30 PM to 5:00 PM Miss Linda Movie Review and Homework	3:45 PM to 5:45 PM Self Awareness Group Homework			
5:00							
6:00	6:00 PM to 6:30 PM Dinner	6:00 PM to 6:30 PM Dinner	6:00 PM to 6:30 PM Dinner	6:00 PM to 6:30 PM Dinner	6:00 PM to 6:30 PM Dinner	6:00 PM to 6:30 PM Dinner	6:00 PM to 6:30 PM Dinner
7:00	7:00 PM to 8:30 PM Staff Discussion Group	7:00 PM to 8:30 PM Staff Discussion Group	7:00 PM to 8:00 PM N.A. Group or Staff Participation Group	7:00 PM to 8:00 PM N.A. Group or Staff Participation Group	7:00 PM to 9:00 PM Movie Night with Ms. Linda		7:00 PM to 8:15 PM Staff Participation Group
8:00							
9:00	8:30 PM to 9:00 PM Everyday Meditations	8:30 PM to 9:00 PM Everyday Meditations	8:30 PM to 9:00 PM Everyday Meditations	8:30 PM to 9:00 PM Everyday Meditations	9:00 PM to 9:30 PM Everyday Meditations	8:30 PM to 9:00 PM Everyday Meditations	8:30 PM to 9:00 PM Everyday Meditations
10:00							

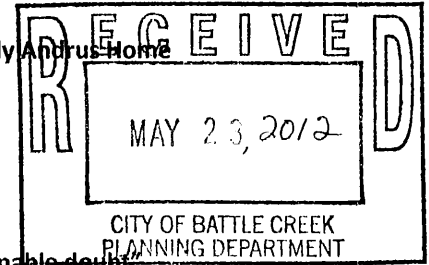
FILED

**FREMONT-McKINLEY-VERONA NEIGHBORHOOD PLANNING COUNCIL**

May 23, 2012

**Subject:** Haven of Rest Special Use Permit Application for the property known as Emily Andrus Home

**NPC 4 Concerns:** Prepared by David Nielsen, member, NPC 4



- **Unanswered Questions:**

**Reference:** Key words from Part b of the Basis for Determination – ~~“beyond a reasonable doubt”~~

Many questions concerning the proposed use of the Emily Andrus Home have as yet been unanswered or incomplete in their response:

- **Funding:** Some grants are in hand, others are being sought, but there is no current sustainable funding stream established for the \$350,000 annual budget needs.
- **Child Care Licensing:** for children in residence, especially young children – licensing has not been done yet. The plan is to do that over the coming summer. Child care licensing requirements are very stringent and the process is often very time consuming. From initial inspection, through needed changes being implemented, to final inspection can be as much as 18 -24 months.
- **Source of Clientele:** Most clientele would be local but there may be some from areas outside the Battle Creek area if capacity warrants it. That is currently an unknown. It could involve “importing” high risk residents. Our community does not need additional high risk residents.
- **Capacity:** Stated capacity is up to 21 women and their children – up to 42 children based on two children for each woman resident, for a total capacity of 63, or more if there are additional children.
- **Staffing:** Current thinking is 3-4 daytime professional staff and 2-3 nighttime staff. The level of professional credentials/certification is still unclear. The number of possible clients and families and the number of staff don’t appear realistic. Additionally, the Home currently has 27 private rooms. Can these rooms, designed for a single resident, appropriately accommodate families?
- **Start-up date:** Haven would like to start the program is September, but there is not yet a definite plan. Given the unanswered questions, this time frame seems unrealistic.

There is still much that needs to be put in place and a lot of unanswered questions before this program is ready to be put into operation. The planning is not complete enough for approval at this time. The “cart” has been placed way ahead of the “horse”.

- **Facility Use:**

**Reference:** This use of the Emily Andrus property fits the Home’s mission of assisting women in need – now including women with families. However:

- It would bring another high-risk group home population into a saturated area of our community.
- Housing addictive personalities within a community environment filled with addiction issues – particularly drugs/ drug houses and prostitution – would place a high risk population at an even greater risk, and adversely affect our neighborhood efforts to eliminate those elements.

- **Facility Selection:**

Reference: Site Determination

The development of this “plan” has been what I would refer to as a “3-D “process:

- A **Dream** of recreating the men’s life recovery program for women and families
- A timely **Drive-By** of the Emily Andrus Home, with follow-up visits
- A **Design** linking the two together

No other facility options have been considered. The “plan” is based solely on the availability of this facility, formulated without the due diligence needed to ensure the viability of the proposed program at that facility, in a timely manner.

- **Basis for Determination:**

Reference: Failure to meet necessary special use permit criteria

- **Item 2** – A significant change in the essential character of the affected neighborhood
- **Item 3** – Disturbing to neighborhood uses
- **Item 4** – Adverse effect on property in immediate vicinity
- **Item 6** – Detrimental to the economic welfare of the neighborhood/community

This plan is the basis of a very noble and worthwhile endeavor that needs two additional elements

- a more complete operational blueprint
- a hard look at other suitable locations within the Battle Creek community

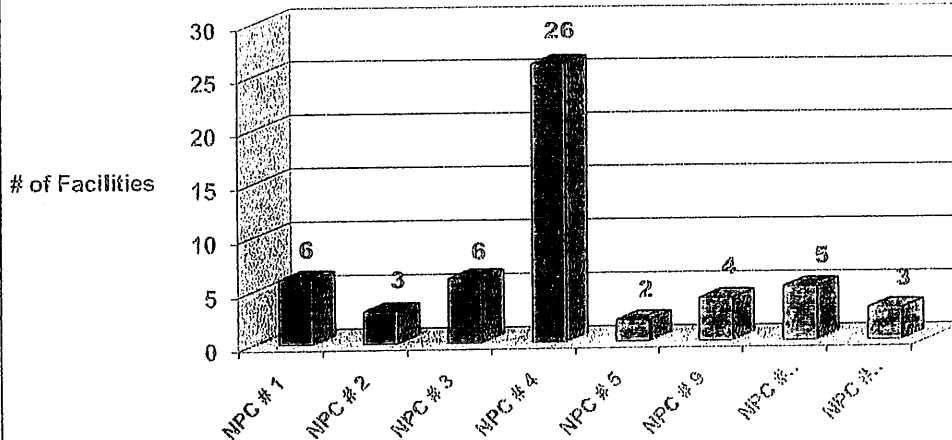
before any responsible Planning Commission/City Commission decision should be made.

**We respectfully request that this application for a special use permit by the Haven of Rest, for the property known as the Emily Andrus Home, be denied or postponed until a more definitive plan of action has been submitted by the Haven, or a more suitable location has been identified.**

## Adult Foster Care Facilities - 2011 Statistics & Charts

NPC's	Total # of Facilities	Total # of Facilities (>6 People)	Total # of People	Total # of People (>6 in Facility)
NPC # 1	6	4	56	46
NPC # 2	3	0	14	0
NPC # 3	6	1	46	20
NPC # 4	26	11	296	221
NPC # 5	2	0	7	7
NPC # 9	4	3	101	6
NPC # 10	5	2	121	13
NPC # 11	3	0	18	18
<b>TOTALS</b>	<b>55</b>	<b>21</b>	<b>659</b>	<b>331</b>

### Adult Foster Care Facilities Total Within Each NPC



### Total # of Facilities With More Than 6 People

